

DP03 REG PCT/PTO 16 MAR 2005 CT  
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DOCKET NO: 260007US2PCT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: Keiji NINOMIYA et al.

SERIAL NUMBER: 10/509,689 ✓

FILED: October 12, 2004

FOR: SEMICONDUCTOR DEVICE

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS**

COMMISSIONER FOR PATENTS  
Mail Stop PCT  
Alexandria, VA 22314

Sir:

Responsive to the notification dated March 10, 2005, and in accordance with the provisions of 35 U.S.C. 371, Applicants submit herewith a copy of a Declaration and Power of Attorney which was filed on **October 12, 2004** as well as a copy of our date-stamped filing receipt. The undersigned attorney of record hereby states that the copy of the Declaration submitted herewith is in fact a true copy of the original Declaration filed on October 12, 2004.

The required surcharge therefore is not due.

In light of the foregoing, this application is deemed to be in proper condition for examination and such favorable action is hereby earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P. C.

*Marvin J. Spivak  
Surinder Sachar*

Marvin J. Spivak  
Attorney of Record  
Registration No. 24,913  
Surinder Sachar  
Registration No. 34,423

CUSTOMER NUMBER

22850

703-413-3000

Declaration and Power of Attorney For Patent Application

特許出願宣言書及び委任状

Japanese Language Declaration

日本語宣言書

COPY

下記の氏名の発明者として、私は以下の通り宣言します。

私の住所、私書箱、国籍は下記の私の氏名の後に記載された通りです。

下記の名称の発明に関して請求範囲に記載され、特許出願している発明内容について、私が最初かつ唯一の発明者（下記の氏名が一つの場合）もしくは最初かつ共同発明者（下記の名称が複数の場合）であると信じています。

上記発明の明細書は、

本書に添付されています。  
 \_\_\_\_月\_\_\_\_日に提出され、米国出願番号または特許協定条約国際出願番号を\_\_\_\_\_とし、  
(該当する場合) \_\_\_\_\_に訂正されました。

私は、特許請求範囲を含む上記訂正後の明細書を検討し、内容を理解していることをここに表明します。

私は、連邦規則法典第37編第1条56項に定義されるとおり、特許資格の有無について重要な情報を開示する義務があることを認めます。

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled.

SEMICONDUCTOR DEVICE

the specification of which

is attached hereto.  
 was filed on July 24, 2002  
as United States Application Number or  
PCT International Application Number  
PCT/JP2002/007513 and was amended on  
\_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

**Japanese Language Declaration**  
(日本語宣言書)

私は、米国法典第35編119条 (a) - (d) 項又は365条 (b) 項に基づき下記の、米国以外の国の少なくとも一ヵ国を指定している特許協力条約365 (a) 項に基づく国際出願、又は外国での特許出願もしくは発明者証の出願についての外国優先権をここに主張するとともに、優先権を主張している、本出願の前に出願された特許または発明者証の外国出願を以下に、枠内をマークすることで、示しています。

Prior Foreign Application(s)  
外国での先行出願

<hr/> <b>(Number)</b> (番号)	<hr/> <b>(Country)</b> (国名)	<hr/> <b>(Day/Month/Year Filed)</b> (出願年月日)
<hr/> <b>(Number)</b> (番号)	<hr/> <b>(Country)</b> (国名)	<hr/> <b>(Day/Month/Year Filed)</b> (出願年月日)

私は、第35編米国法典119条 (e) 項に基づいて下記の米国特許出願規定に記載された権利をここに主張いたします。

<hr/> <b>(Application No.)</b> (出願番号)	<hr/> <b>(Filing Date)</b> (出願日)
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私は、下記の米国法典第35編120条に基づいて下記の米国特許出願に記載された権利、又は米国を指定している特許協力条約365条 (c) に基づく権利をここに主張します。また、本出願の各請求範囲の内容が米国法典第35編112条第1項又は特許協力条約で規定された方法で先行する米国特許出願に開示されていない限り、その先行米国出願書提出日以降で本出願書の日本国内または特許協力条約国提出日までの期間中に入手された、連邦規則法典第37編1条56項で定義された特許資格の有無に関する重要な情報について開示義務があることを認識しています。

<hr/> <b>(Application No.)</b> (出願番号)	<hr/> <b>(Filing Date)</b> (出願日)
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私は、私自信の知識に基づいて本宣言書中で私が行なう表明が真実であり、かつ私の入手した情報と私の信じるところに基づく表明が全て真実であると信じていること、さらに故意になされた虚偽の表明及びそれと同等の行為は米国法典第18編第1001条に基づき、罰金または拘禁、もしくはその両方により処罰されること、そしてそのような故意による虚偽の声明を行なえば、出願した、又は既に許可された特許の有効性が失われることを認識し、よってここに上記のごとく宣誓を致します。

I hereby claim foreign priority under Title 35, United States Code, Section 119 (a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed.

Priority Claimed 優先権主張	
<input type="checkbox"/>	<input type="checkbox"/>
Yes はい	No いいえ
<input type="checkbox"/>	<input type="checkbox"/>
Yes はい	No いいえ

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below.

<hr/> <b>(Application No.)</b> (出願番号)	<hr/> <b>(Filing Date)</b> (出願日)
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I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code Section 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of application.

<hr/> <b>(Status: Patented, Pending, Abandoned)</b> (現況 : 特許許可済、係属中、放棄済)
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Japanese Language Declaration  
(日本語宣言書)

委任状：私は下記の発明者として、本出願に関する一切の手続きを米特許商標局に対して遂行する弁理士または代理人として、下記の者を指名いたします。  
(弁護士、または代理人の指名及び登録番号を明記のこと)

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: (list name and registration number)



022850

書類送付先

Send Correspondence to:



022850

直接電話連絡先：(名前及び電話番号)

Direct Telephone Calls to: (name and telephone number)  
(703) 413-3000

単独発明者または第一の共同発明者の氏名		Full name of sole or first joint inventor Keiji NIMOMIYA	
発明者の署名	日付	Inventor's signature <i>Keiji Nimomiya</i>	Date September 17, 2004
住所		Residence TOKYO, JAPAN	
国籍		Citizenship JAPANESE	
郵便の宛先		Post Office Address c/o MITSUBISHI DENKI KABUSHIKI KAISHA, 2-3, Marunouchi 2-chome, Chiyoda-ku, TOKYO 100-8310 JAPAN	
第二の共同発明者の氏名		Full name of second joint inventor, if any Kenji ITOH	
第二の共同発明者の署名	日付	Second joint Inventor's signature <i>Kenji Itoh</i>	Date September 17, 2004
住所		Residence TOKYO, JAPAN	
国籍		Citizenship JAPANESE	
郵便の宛先		Post Office Address c/o MITSUBISHI DENKI KABUSHIKI KAISHA, 2-3, Marunouchi 2-chome, Chiyoda-ku, TOKYO 100-8310 JAPAN	

(第三以降の共同発明者についても同様に記載し、署名すること)

(Supply similar information and signature for third and subsequent joint inventors.)

Japanese Language Declaration  
(日本語宣言書)

第三の共同発明者の氏名	Full name of third joint inventor, if any Hiroyuki JOBA		
第三の共同発明者の署名	日付	Third joint Inventor's signature <i>Hiroyuki Joba</i>	Date September 17, 2004
住所	Residence TOKYO, JAPAN		
国籍	Citizenship JAPANESE		
郵便の宛先	Post Office Address c/o MITSUBISHI DENKI KABUSHIKI KAISHA, 2-3, Marunouchi 2-chome, Chiyoda-ku, TOKYO 100-8310 JAPAN		

第四の共同発明者の氏名	Full name of fourth joint inventor, if any		
第四の共同発明者の署名	日付	Fourth joint Inventor's signature	Date
住所	Residence		
国籍	Citizenship		
郵便の宛先	Post Office Address		

第五の共同発明者の氏名	Full name of fifth joint inventor, if any		
第五の共同発明者の署名	日付	Fifth joint Inventor's signature	Date
住所	Residence		
国籍	Citizenship		
郵便の宛先	Post Office Address		

第六の共同発明者の氏名	Full name of sixth joint inventor, if any		
第六の共同発明者の署名	日付	Sixth joint Inventor's signature	Date
住所	Residence		
国籍	Citizenship		
郵便の宛先	Post Office Address		

*[Signature]* Due Date October 12, 2004

OSMM&N File No. 260007US2PCT

By MJS/lit/FF

Serial No. New U.S. PCT Application based on PCT/JP02/07513

In the matter of the Application of Keiji NINOMIYA, et al.

For SEMICONDUCTOR DEVICE

The following has been received in the U.S. Patent Office on the date stamped hereon:

- 20 pgs. Specification 3 Claims (English Translation)
- Combined Declaration, Petition & Power of Attorney (4 pages)
- Application Data Sheet
- Dep. Acct. Order Form
- Credit Card Payment Form for \$950.00
- Drawings (8 sheets)
- PCT Transmittal Letter
- Preliminary Amendment
- PCT/IB/308
- Information Disclosure Statement ■ PTO-1449
- Cited References (4) ■ Statement of Relevancy
- International Search Report

SERIAL NO. 10/509689

DATE RECEIVED Rec'd PCT/PTO 12 OCT 2004

Linked to OPTMS	
<u>10-13-04</u>	<u>260007US</u>
DATE	CASE ID

BEST AVAILABLE COPY

**COPY**



UNITED STATES PATENT AND TRADEMARK OFFICE

Rec'd PCT/PTO 16 MAR 2005

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/509,689	Keiji Ninomiya	260007US2PCT
INTERNATIONAL APPLICATION NO.		
PCT/JP02/07513		
I.A. FILING DATE		PRIORITY DATE
07/24/2002		
CONFIRMATION NO. 6705		
371 FORMALITIES LETTER		
*OC000000015390149*		

Date Mailed: 03/10/2005

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 10/12/2004
- English Translation of the IA filed on 10/12/2004
- Copy of the International Search Report filed on 10/12/2004
- Copy of IPE Report filed on 10/12/2004
- Preliminary Amendments filed on 10/12/2004
- Information Disclosure Statements filed on 10/12/2004
- Request for Immediate Examination filed on 10/12/2004
- Copy of references cited in ISR filed on 10/12/2004
- U.S. Basic National Fees filed on 10/12/2004

RECEIVED: 3-11-05  
 OBLON, SPIVAK, McCLELLAND,  
 MAIER & NEUSTADT, P.C.  
**DOCKETING DEPT**  
 Initials/Dates Docketed: Cmx / 3-11-05  
 Type of Resp(s): Resp to Ntc / Surcharge  
 Due Date(s): 5-10-05

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- **\$130** Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130** Late oath or declaration Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice MUST be returned with the response.*

MAMIE P PERSON

Telephone: (703) 308-9140 EXT 227

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/509,689	PCT/JP02/07513	260007US2PCT

FORM PCT/DO/EO/905 (371 Formalities Notice)

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